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08/752,115	11/15/96	COHEN	FIRST NAMED INVENTOR	A	LITIGATION	ATTORNEY DOCKET NO.
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FOSSUM, L EXAMINER

3711	PAPER NUMBER
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05/14/97 *J*

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/752,002	Applicant(s) Cohen
Examiner Laura Fossum	Group Art Unit 3301

Responsive to communication(s) filed on _____.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-27 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 112

1. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's recitation of "extending section" is indefinite. Where does the section extend from. Examiner could interpret any corner, end, etc of any block to be an "extending section" as claimed. This language is so broad so as to deem the claim indefinite.

The recitation of "rod-like" is indefinite in that it does not positively claim whether it is a rod or it is like a rod. Further more what limitation is there to like a rod? This vagueness must be amended to definiteness.

In re claims 10 and 21, Applicant's recitation of "a recess" appears to be redundant. Does applicant intend to claim another recess than the one previously cited in applicant's claims 1 and 12 from which claims 10 and 21 depend. If so where is the support in applicant's specification. Clarification or amending is necessary.

Claim Rejections - 35 USC § 103

2. Claims 12-21, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turngren (2,440,836) in view of Mott et al (WO 92/19341). Turngren discloses a toy block set comprising a plurality of blocks each having a plurality of sides for interconnection with

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each other by an extending section and a recessed opening on each block. However, does not disclose a more secure connection, other than stacking, between the blocks.

Mott teaches a toy block set comprising a plurality of blocks for secure interconnection with one another by connecting rods (30) for fitting into partial channels (64) which are aligned for connection via the connecting rods. This system provides a means for secure connection between the blocks for building complex structures. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a more secure connection between the blocks as disclosed by Turngren as taught by Mott et al so that more complex structures and be built and securely held together.

In re claim 13, both references teach at least 6 sided blocks.

In re claims 14 and 15, figures 11 and 12 of Mott et al teaches one or two partial channels on the sides.

In re claim 16, see page 10.

In re claims 17 and 18, the matter of solid or hollow blocks are well known in the art as shown by Mott et al (hollow) and Turngren (solid).

In re claim 19, see claim 27 of Mott et al.

In re claim 20, as seen in all figures.

In re claims 21 and 27, see figure 9, especially.

In re claim 24, see all figures.

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3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turngren in view of Mott et al as applied to claim 12 above, and further in view of Klitsner et al (5,064,399).

Turngren as modified by Mott et al teach the invention substantially as claimed, however do not teach the accordion-shaped base as claimed. A variety of bases have been used for many years in the same art of toy block sets.

Klitsner et al teach interlocking block sets, similar to those taught by Turngren and Mott et al, however Klitsner et al further teach providing a base onto which the interlocking figures fit for complex and stable stacking of a plurality of the pieces. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a base which interfits with the blocks set of Turngren in view of Mott et al, as taught by Klitsner et al in order to provide a secure means for stacking a complex or large block system. Examiner notes that not only does Klitsner et al teach the base in an "accordion-shaped" pattern as broadly as claimed, but as applied to Turngren's block system, it must also teach such an accordion shape in order to interfit with the blocks seen in figures 7-10.

4. Claims 1-10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turngren in view of Mott et al as applied to claim 12 above, and further in view of Gruber (DE 2,252,565). Turngren as modified by Mott et al teach the invention substantially as claimed, however do not teach the channels and rod in a cylindrical configuration, because the embodiment of Mott et al teach a star-like configuration.

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Gruber teaches a toy block set, including connecting members of various configurations including cylindrical (figure 7), star-like (figures 5, 6 and 8) and many others (figures 4 and 10). Obviously Gruber recognizes that any of these configurations could be substituted for one another to provide a connection between the plurality of blocks. The same could be applied to the invention of Turngren in view of Mott et al. It would have been an obvious matter of design choice at the time of the invention to modify the invention as taught by Turngren in view of Mott et al by reconfiguring the rod from the star-like shape to any equivalent shape, as taught by Gruber, as they are recognized equivalents in the art, and provide the same function of connecting halves together, in the same art of toy block sets. Examiner notes that although there is no one figure which expressly shows a semi-cylindrical channel, this would clearly be an obvious configuration to mate with the cylindrical rod as supported by the abstract and which is notoriously well known in the art (see other cited references).

5. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turngren in view of Mott et al as applied to claim 12 above, and further in view of Kramer (3,863,918). Turngren as modified by Mott et al teach the invention substantially as claimed, however do not teach rectangular recess and openings.

Kramer teaches, in the same art of toy block sets, a plurality of differently shaped blocks for interfitting with one another. The shapes include rectangular, triangular and other angled recesses and openings, thereby providing a novel building block game in which various blocks have a different center of gravity so that it requires skill to stack the blocks on upon the other. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to provide the variety of shaped blocks as taught by Kramer in the invention of Turngren in view of Mott et al so that the differing center of gravities challenges stacking and interfitting skills.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turngren in view of Mott et al as applied to claim 12 above, and further in view of Kichijyo (5,482,491). Turngren in view of Mott et al disclose the invention substantially as claimed, however do not disclose the recess and opening configurations as convex and concave. Many different configurations have been disclosed and taught throughout the years, in the art of toy block sets, which provide entertainment and diversity, yet functionally equivalency.

Kichijyo teaches one such known configuration, in the same art of toy blocks sets, which comprises three dimensional interconnecting blocks, the interconnection provided by matching convex extended sections and concave recesses for receiving the convex sections. Examiner notes that Kichijyo teaches these configurations as functionally equivalent with the more rectangular configurations as shown in figures 17-20. It would have been an obvious matter of design choice to one of ordinary skill in the art at the time of the invention to provide rounded (convex/concave) interfitting connections for blocks, in place of the rectangular configuration as taught by Turngren in view of Mott et al, as they are seen as functionally equivalent and both well known in the art.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turngren in view of Mott et al in view of Gruber as applied to claim 1 above, and further in view of Klitsner.

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Turngren as modified by Mott et al and Gruber teach the invention substantially as claimed, however do not teach the accordion-shaped base as claimed. A variety of bases have been used for many years in the same art of toy block sets.

Klitsner et al teach an interlocking block set, similar to Turngren's set, however Klitsner et al further teach providing a base onto which the interlocking figures fit for complex and stable stacking of a plurality of the pieces. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a base which interfits with the blocks set of Turngren in view of Mott et al and Gruber, as taught by Klitsner et al in order to provide a secure means for stacking a complex or large block system. Examiner notes that not only does Klitsner et al teach the base in an "accordion-shaped" pattern as broadly as claimed, but as applied to Turngren's block system, it must also teach such an accordion shape in order to interfit with the blocks seen in figures 7-10.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Braun, Hayman, Purviance, Babule et al, Fischer (note semi-cylindrical channels), Drieze and Lee.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Fossum whose telephone number is (703) 308-2678.

Laura Fossum
ljf

Mickey YU

MICKEY YU
PRIMARY EXAMINER
ART UNIT 331

May 8, 1997